



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

August 29, 1990

Mr. Mercedes Leal
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002

OR90-407

Dear Mr. Leal:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9165.

The Harris County Constable of Precinct 5 received an open records request for information detailing "all calls that the Pct. 5 Constable Office has run" in particular areas during a specified time period. The requested information includes the "date and time, nature of incident and address or block number of incident." You contend that some of the requested information, along with other information with which it is stored in computer files, come under the protection of sections 3(a)(1) and 3(a)(8) of the Open Records Act.

The types of information that you seek to withhold pursuant to section 3(a)(8), e.g. the identity of the caller or complainant and the location of a reported crime, are typically found on the front page of offense reports and are consequently generally deemed public. See Houston Chronicle Publishing Co. v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App. - Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976). You may, however, withhold pursuant to section 3(a)(1) these and other types of information that tend to reveal the identities of individuals whose privacy interests are implicated when the information relates to domestic violence, juvenile crime, sexual assault, drug overdose, etc. See generally Industrial Found. of the South v. Texas Indus. Accident Bd., 540 S.W.2d 668 (Tex. 1976), cert. denied, 430 U.S. 930 (1977).

This office agrees that you may withhold pursuant to section 3(a)(8) the "response time" to each of the calls to

the constable's office. The remaining information must be released to the requestor. Please note, however, that section 35.54 of the Business and Commerce Code restricts the purpose for which the requestor may use requested information after its release.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-407.

Yours very truly,



Jim Moellinger
Assistant Attorney General
Opinion Committee

JM/RWP/le

Ref.: ID# 9165

cc: Gina Kolojaco
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